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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUMMONS ISSUED

CAPTAIN NEVILLE LEWIS

Plaintiff,

v.

TUG UGONWAAFOR 1 (ex-
TUG CORAL SEA, IMO 7367237),

Defendant *in rem*,

and

PHERANZY GAS LIMITED,

Defendant *in personam*.

10:CV 10-5824

ECF Case

**VERIFIED COMPLAINT WITH
REQUEST FOR ISSUE OF .
WARRANT FOR VESSEL
ARREST AND FOR ISSUE OF
WRIT OF MARITIME
ATTACHMENT AND
GARNISHMENT**

**TOWNES, J
GOLD, M.J.**

Plaintiff Captain Neville Lewis sues the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA, IMO 7367237) *in rem* pursuant to Federal Supplemental Admiralty and Maritime Rule C and sues defendant Pheranzy Gas Limited *quasi in rem* pursuant to Federal Supplemental Admiralty and Maritime Rule B and states further as follows:

JURISDICTION AND VENUE

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has subject matter jurisdiction.

2. At all material times, Pheranzy Gas Limited was and is now a Nigerian company located in Nigeria and the owner of the TUG UGONWAAFOR 1. Pheranzy Gas Limited is not present in this District within the meaning of Federal Supplemental Admiralty and Maritime Rule B.

3. The TUG UGONWAAFOR 1 presently as well as other property of Pheranzy Gas Limited presently is located in this District.

THE BASIC FACTS

4. On or about July 15, 2010 Pheranzy Gas Limited hired Captain Lewis to recruit crew for, inspect and complete the purchases of the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70, from K Sea, located at Staten Island, New York, and to be the Master of, and provision and prepare all of those vessels for sailing from Staten Island to Nigeria, where Pheranzy Gas Limited would employ the vessels to support the Nigerian offshore oil industry. Pheranzy Gas Limited through Mr. Chris Ezeude, its chairman and CEO, promised to pay Captain Lewis \$550 per day for these services provided to the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70, which in consideration of that promise to pay, Captain Lewis performed as agreed.

5. On or about November 21, 2010, Captain Lewis took formal command as Master of the TUG UGONWAAFOR 1 and command as overall Master and Manager for the flotilla including the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70. The promised compensation for this service provided to the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG

UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70 continued to be \$550 per day.

6. On or about December 13, 2010, the flotilla was prepared to depart Staten Island for Nigeria, across the North Atlantic. The United States Coast Guard, however, advised that the weather conditions were too dangerous for the flotilla to depart. Pheranzy Gas Limited nevertheless directed that the flotilla depart; Captain Lewis objected and also then demanded payment of the wages due him. Pheranzy Gas Limited refused to pay the wages due Captain Lewis.

7. Captain Lewis' wages, for services provided to the as Master of the TUG UGONWAAFOR 1 and command as overall Master and Manager for the flotilla including the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70, continued to be unpaid, despite repeated demand.

COUNT I - ARREST OF VESSEL, IN REM
TUG UGONWAAFOR 1 (ex-TUG CORAL SEA)

8. Captain Lewis repeats the foregoing paragraphs.

9. Despite repeated demand, Pheranzy Gas Limited has continued to pay Captain Lewis wages for services which he provided to and for the TUG UGONWAAFOR 1 as Master of that tug, and command as overall Master and Manager for the flotilla including the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70

10. Captain Lewis therefore holds maritime liens against these vessels, including against the TUG UGONWAAFOR 1 for his unpaid wages, in the amounts demanded below, and

requests that the vessel be arrested and that he be awarded his damages, as set out below.

COUNT II
RULE B RELIEF

11. Captain Lewis repeats the foregoing paragraphs.

12. Captain Lewis seeks issuance of process of maritime attachment of property of defendant Pheranzy Gas Limited in this District, including the TUG UGONWAAFOR 1 (ex-TUG CORAL SEA), TUG UGONWAAFOR (ex-TUG BALTIC SEA), and tank barges DBL 53 and DBL 70 so that he it may obtain security for his claim. No security for plaintiff's claims has been posted..

13. Defendant Pheranzy Gas Limited cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Rule B"), but is believed to have, or will have during the pendency of this action, assets in this jurisdiction consisting of vessels, cash, funds, freight, hire, and/or credits in the hands of garnishees in this District.

14. Captain Lewis requests garnishment pursuant to Rule B, as set out below.

WHEREFORE, Plaintiff prays:

A. That process in due form of law issue against Defendant, citing it to appear and answer under oath all and singular the matters alleged in the Verified Complaint;

B. That process of arrest, in due form of law, according to the course and practice of this Honorable Court in causes of Admiralty and Maritime Jurisdiction within the meaning of the Constitution of the United States and Rule 9(h) of the Federal Rules of Civil Procedure, may be issued against the TUG UGONWAAFOR 1, her engines, machinery and appurtenances, etc., and

all other necessities and equipment belonging and appurtenant thereto, as provided in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims, and that all persons claiming any interest in the Vessel may be cited to appear and answers the matters aforesaid, and that the Vessel, her engines, machinery and appurtenances, etc., and all other necessities and equipment belonging and appurtenant thereto, may be seized, condemned and sold to pay the demands and claims aforesaid, with interest, costs and attorney's fees; and

C. That judgment be issued against defendants TUG UGONWAAFOR 1 *in rem* and Pheranzy Gas Limited, jointly and severally, in the amount of at least \$82,500, plus interest and costs; and


D. That since Defendant cannot be found within this District pursuant to Rule B, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B attaching all of their tangible or intangible property or any other funds held by any garnishee, which are due and owing to this defendant up to the amount of at least \$82,500 to Plaintiff to secure the Plaintiff's claim, and that all persons claiming any interest in the same be cited to appear and, pursuant to Rule B, answer the matters alleged in the Verified Complaint;

E. That this Court retain jurisdiction over this matter through the entry of a judgment or award associated with the pending claims including appeals thereof.

F. That Plaintiff may have such other, further and different relief as may be just and proper.

Dated: New York, NY
December 15, 2010

Respectfully submitted,
Law Offices of George N. Proios, PLLC
Attorneys for Plaintiff

By 
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VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

George N. Proios, being duly sworn, deposes and says:

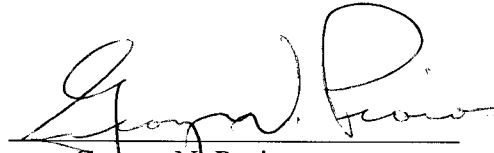
1. I am a member of the bar of this Honorable Court and of the Law Offices of George N. Proios, PLLC, attorneys for Plaintiff.

2. I have read the foregoing Complaint and I believe the contents thereof are true.

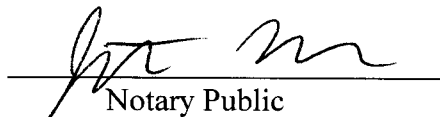
3. The reason this Verification is made by deponent and not by Plaintiff in that Plaintiff is an individual, resident in Houston, Texas and not present within this jurisdiction.

4. The sources of my information and belief are documents provided to me and statements made to me by or on behalf of Plaintiff.

5. **Supplemental Rule B Certification: Defendant Pheranzy Gas Limited Not Present in the District:** Pursuant to Local Admiralty Rule B.1 ("Affidavit That Defendant Is Not Found Within the District") I further certify that I made the following efforts on behalf of the plaintiff to find and serve the defendant within the district: checked the records of the New York Secretary of State, Department of Corporations, checked the telephone directories and directory assistance in the State of New York, finding no resident agent or other presence in New York registered, unregistered, or of any sort, of defendant Pheranzy Gas Limited.


George N Proios

Sworn to before me this
15th day of December, 2010


Notary Public

JON WERNER
NOTARY PUBLIC
02WE6149122
STATE OF NEW YORK
COMMISSION EXPIRES
JULY 3RD, 2014